

HARRY JAMES LABAR,  
  
Plaintiff,  
  
v.  
  
BALKAN TRANSPORT, LLC, and  
MICHAEL TOWNDROW,  
  
Defendants.

3. As per the representations in the Complaint, Plaintiff is a citizen of Mooresville, Iredell County, North Carolina. (*See* Complaint, ¶ 1).

4. Defendant Balkan is a foreign limited liability company organized and existing under the laws of the State of Iowa with its principal place of business in the State of Iowa. (*See* Complaint, ¶ 2). Further, Defendant Towndrow is a citizen and resident of Oxford, Chenango County, New York. (*See* Complaint, ¶ 3).

5. Further, Plaintiff alleges damages which include severe injuries including fractured bones, permanent injuries, permanent disability, medical expenses, large loss of earnings, and loss of earning capacity. (*See* Complaint, ¶¶ 62-63). The allegations of injuries and damages sought by Plaintiff in the Complaint are substantial and similar to other actions in which other plaintiffs have sought and recovered damages in excess of \$75,000.00. Thus, it is apparent that the amount in controversy threshold is satisfied.

6. The United States District Court for the Western District of North Carolina has original subject matter jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship among all of the properly joined parties, and the amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00, in addition to seeking nonmonetary relief.

7. Pursuant to 28 U.S.C. § 1446(a) a copy of all process, pleadings and orders received by the removing Defendant are attached hereto as **Exhibit A**.

8. Defendants submit this Notice of Removal without waiving any defense to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted. Defendants specifically reserve the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative

defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive pleadings within the time allotted under the Federal Rules.

Defendants Balkan Transport, LLC and Michael Towndrow pray that the above case now pending against them in the Superior Court Division of Mecklenburg County, North Carolina be removed therefrom to this Court.

This the 3<sup>rd</sup> day of June, 2021.

/s/ Christopher M. Kelly  
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